

**REMARKS**

The Office Action dated April 22, 2005, has been received and carefully considered. Claims 1-4, 6, 8, 9, 11-16, 18, 20, 21, and 23-64 are pending in the present patent application.

Applicants note with appreciation the indication on page 7 of the Office Action that claims 3, 4, 11, 12, 15, 16, 23, 24, 28, 29, 33, and 34 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, Applicants have opted to defer rewriting the above-identified claims in independent form pending reconsideration of the arguments presented below with respect to the rejected independent claims.

I. THE DOUBLE-PATENTING REJECTION OF CLAIMS 1-4, 6, 8, 9, 11-16, 18, 20, 21, AND 23-34

On pages 2-3 of the Office Action, claims 1-4, 6, 8, 9, 11-16, 18, 20, 21, and 23-34 were rejected under the judicially created doctrine of obviousness-type double-patenting as being unpatentable over claims 1-37 of U.S. Patent No. 6,243,383. This rejection is hereby respectfully traversed with the submission of a terminal disclaimer concurrently herewith.

In view of the foregoing, it is respectfully requested that the aforementioned double-patenting rejection of claims 1-4, 6, 8, 9, 11-16, 18, 20, 21, and 23-34 be withdrawn.

II. THE OBVIOUSNESS REJECTION OF CLAIMS 1, 2, 6, 8, 9, 13, 14, 18, 20, 21, 25-27, 30-32, AND 35-64

On pages 3-7 of the Office Action, claims 1, 2, 6, 8, 9, 13, 14, 18, 20, 21, 25-27, 30-32, and 35-64 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith et al. (U.S. Patent No. 5,930,257) in view of Applicant Admitted Prior Art (AAPA). This rejection is hereby respectfully traversed.

The present application is a continuation of U.S. Patent Application No. 08/982,311, filed December 1, 1997 (now U.S. Patent No. 6,243,383). Thus, the present application has an effective filing date of December 1, 1997. Also, the invention claimed in the present application was subject to an obligation of assignment to the predecessor of current assignee Nortel Networks Limited.

Smith et al. was issued on July 27, 1999. Thus, Smith et al. qualifies as prior art only under 35 U.S.C. § 102(e). Also, at the time the invention claimed in the present application was made, the subject matter disclosed in Smith et al. was subject to an obligation of assignment to the predecessor of current assignee Nortel Networks Limited.

In accordance with 35 U.S.C. § 103(c), subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of 35 U.S.C.

§ 102, shall not preclude patentability under 35 U.S.C. § 103 where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person. Accordingly, Smith et al. is not a proper prior art reference to cite against the claims of the present application.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 1, 2, 6, 8, 9, 13, 14, 18, 20, 21, 25-27, 30-32, and 35-64 be withdrawn.

### III. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to

Patent Application  
Attorney Docket No.: 57983.000218  
Client Reference No.: RO-3553 (CON)

Deposit Account No. 50-0206, and please credit any excess fees  
to the same deposit account.

Respectfully submitted,

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